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ATTORNEYS AT LAW

2000 PENNSYLVANIA AVENUE, NW
WASHINGTON, D.C. 20006-1888
TELEPHONE (202) 887-1500
TELEFACSIMILE (202) 887-0763

NEW YORK
WASHINGTON, D.C.
NORTHERN VIRGINIA
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November 2, 2004

Writer's Direct Contact
202/887-1510
CTritt@mofo.com

Electronic Filing

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Ex Parte Notice

Amendment of Part 22 of the Commission's Rules to Benefit the
Consumers of Air-Ground Telecommunications Services
WT Docket No. 03-103

Dear Ms. Dortch:

On November 1, 2004, Gerald Knobloch, President and Chief Executive Officer of Space Data Corporation ("Space Data"), Eric Schimmel, a Director of Space Data, and the undersigned of Morrison & Foerster LLP, on behalf of Space Data, met with Commissioner Kathleen Q. Abernathy and Jennifer Manner, Senior Counsel to Commissioner Abernathy, regarding the above-referenced proceeding.

The parties discussed various licensing approaches that have been proposed for the air-to-ground ("ATG") spectrum band. Space Data explained why the assignment of two exclusive licenses, rather than one 4 MHz license or two overlapping licenses, would best serve the public interest and the development of a competitive ATG market. One exclusive 4 MHz license would perpetrate the existing monopoly in the ATG market and result in the inefficient use of limited ATG spectrum. Space Data urged the Commission instead to assign two exclusive licenses. Depending upon the number of frequencies required for guard bands, one exclusive license could range from 2.5 to 3.0 MHz and the other from 1.0 to 1.5 MHz. Space Data demonstrated that numerous competitive, advanced services can be provided using the smaller ATG license. In contrast, assigning overlapping licenses raises significant technical and regulatory obstacles that will impede the development of the ATG market.

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Space Data urged the Commission to analyze thoroughly the required guard band spectrum for ATG services and suggested that the 0.125 MHz guard bands proposed by two vendors likely overstate the actual requirements. Space Data also presented an alternative licensing proposal that would allow the market to decide through a combinatorial bidding auction whether an exclusive or shared licensing scheme provides the highest and best use of the ATG spectrum. In addition, Space Data's representatives explained how high altitude stratospheric platforms are ideally suited for providing ATG services. Space Data also relied upon the arguments set forth in the attached PowerPoint presentation during the meeting.

Pursuant to Section 1.1206(b) of the Commission's rules, an electronic copy of this letter is being filed with the office of the Secretary. If you have any questions regarding this notification, please contact the undersigned.

Very truly yours,

/s/ Cheryl A. Tritt

Cheryl A. Tritt
Counsel to Space Data Corporation

Attachment

cc: Commissioner Kathleen Q. Abernathy
Jennifer Manner